

Senate Chamber, Atlanta, Georgia
Tuesday, January 24, 2006
Seventh Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bill of the House:

HB 251. By Representatives Bridges of the 10th, Cummings of the 16th and Coleman of the 97th:

A BILL to be entitled an Act to amend Article 5 of Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to retirement benefits and refund of dues under the Judges of the Probate Courts Retirement Fund of Georgia, so as to provide that a member who is unmarried at the time of retirement may elect a retirement option of an actuarially reduced amount with payment made to a designated surviving beneficiary; to provide that a member who is married at the time of retirement may make such an election with the consent of his or her spouse; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 809. By Representatives Knight of the 126th, Lunsford of the 110th and Yates of the 73rd:

A BILL to be entitled an Act to amend Code Section 47-14-70 of the Official Code of Georgia Annotated, relating to eligibility for retirement benefits in the Superior Court Clerk's Retirement Fund, additional or partial retirement benefits, and election to provide both retirement and

survivors benefits, so as to provide that certain persons who elected a survivors benefit and whose spouse predeceased him or her shall receive a postretirement benefit adjustment; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 821. By Representatives Yates of the 73rd, Knight of the 126th and Lunsford of the 110th:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide that a superior court judge or district attorney who is an active member of the Georgia Judicial Retirement System may obtain creditable service for certain prior service as a circuit-paid assistant district attorney; to provide for application and payment of the full actuarial value of such service; to provide conditions and limitations; to provide for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

The House has adopted the report of the Committee of Conference on the following Bill of the Senate:

SB 203. By Senator Wiles of the 37th:

A BILL to be entitled an Act to amend Article 2 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to public defenders, so as to authorize the recovery of attorney's fees and costs from persons who receive indigent defense services; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following communication was received by the Secretary:

Senator Regina Thomas
District 2
313-A Coverdell Office Building
Atlanta, GA 30334

Committees:
State Institutions and Property
Appropriations
Education and Youth
Regulated Industries and Utilities
Reapportionment and Redistricting

The State Senate
Atlanta, Georgia 30334

MEMORANDUM

To: Secretary of the Senate's Office

From: Senator Regina Thomas

Date: January 24, 2006

Subj.: Roll Call Vote

On Monday, January 23, 2006, I missed the roll call because my machine did not lock in my vote.

I would like to be counted as present for the roll call.

Thank you.

/s/ Regina Thomas

The following Senate legislation was introduced, read the first time and referred to committee:

SB 440. By Senators Hamrick of the 30th, Harp of the 29th, Kemp of the 46th, Shafer of the 48th and Schaefer of the 50th:

A BILL to be entitled an Act to amend Title 20 of the O.C.G.A., relating to education, so as to eliminate the to Construction Reserve Trust Fund and the appropriation of lottery funds to the fund; to eliminate the use of lottery funds for teacher training in computers and technology; to eliminate the use of lottery funds by the board of regents for training professors and instructors in computers and technology; to eliminate the use of lottery funds by the Department of Technical and Adult Education for training teachers in computers and technology; to amend Code Section 50-27-3 of the O.C.G.A., relating to definitions regarding the lottery for education, so as to provide that the term "educational purposes and programs" shall not include capital outlay projects for educational facilities and teacher training in computers and technology; to provide for related matters; to provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

Referred to the Higher Education Committee.

- SB 441. By Senators Bulloch of the 11th, Kemp of the 46th, Cagle of the 49th, Stephens of the 27th and Tolleson of the 20th:

A BILL to be entitled an Act to amend Article 7 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to milk and milk products, so as to change certain provisions relating to standards and requirements generally; to repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

- SB 442. By Senators Moody of the 56th, Carter of the 13th, Meyer von Bremen of the 12th, Kemp of the 46th, Weber of the 40th and others:

A BILL to be entitled an Act to amend Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to parent and child relationship generally, so as to change certain provisions relating to reporting of child abuse; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

- SB 443. By Senators Smith of the 52nd and Harp of the 29th:

A BILL to be entitled an Act to amend Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources, so as to provide for protection of river basins; to define certain terms; to regulate interbasin transfers of water; to provide for an in-stream flow policy; to provide an exemption; to provide legislative findings; to provide a short title; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

- SB 444. By Senator Shafer of the 48th:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide a short title; to exempt certain change of address filings by agents, subagents, counselors, and adjusters from a fee; to provide for certain qualifications for a counselor's license; to provide for the maintenance by the Commissioner of Insurance of the address of the place of business of agents, subagents, counselors, and adjusters; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

- SB 445. By Senators Mullis of the 53rd, Tolleson of the 20th, Rogers of the 21st, Bulloch of the 11th, Schaefer of the 50th and others:

A BILL to be entitled an Act to amend an Act creating the Civil War Commission, approved April 28, 1993 (Ga. L. 1993, p. 1952), so as to make certain editorial changes; to change the administrative assignment of the commission and the facilitating state department from the Department of Natural Resources to the Department of Economic Development; to codify certain provisions of said Act, as amended, in Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Economic Development; to repeal conflicting laws; and for other purposes.

Referred to the Economic Development Committee.

- SB 446. By Senator Rogers of the 21st:

A BILL to be entitled an Act to amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to HOPE scholarships and grants, so as to provide that a full-time student at a public postsecondary institution can regain eligibility for a HOPE scholarship at the end of any quarter or semester; to provide that a full-time student at a private postsecondary institution can regain eligibility for a HOPE scholarship at the end of any quarter or semester; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Higher Education Committee.

- SR 696. By Senators Hamrick of the 30th and Cagle of the 49th:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the sales and use tax for educational purposes shall only be distributed on the basis of student enrollment when proceeds are distributed between a county school district and an independent school district located in such county; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Education and Youth Committee.

- SR 697. By Senators Powell of the 23rd and Hooks of the 14th:

A RESOLUTION proposing an amendment to the Constitution of Georgia so as to reserve to the people of the state the power to propose laws and amendments to the Constitution of Georgia and to enact or reject the same; to

provide procedures and restrictions connected therewith; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Rules Committee.

SR 700. By Senators Hamrick of the 30th and Unterman of the 45th:

A RESOLUTION creating and continuing the Juvenile Law Commission; and for other purposes.

Referred to the Judiciary Committee.

The following House legislation was read the first time and referred to committee:

HB 251. By Representatives Bridges of the 10th, Cummings of the 16th and Coleman of the 97th:

A BILL to be entitled an Act to amend Article 5 of Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to retirement benefits and refund of dues under the Judges of the Probate Courts Retirement Fund of Georgia, so as to provide that a member who is unmarried at the time of retirement may elect a retirement option of an actuarially reduced amount with payment made to a designated surviving beneficiary; to provide that a member who is married at the time of retirement may make such an election with the consent of his or her spouse; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

HB 809. By Representatives Knight of the 126th, Lunsford of the 110th and Yates of the 73rd:

A BILL to be entitled an Act to amend Code Section 47-14-70 of the Official Code of Georgia Annotated, relating to eligibility for retirement benefits in the Superior Court Clerk's Retirement Fund, additional or partial retirement benefits, and election to provide both retirement and survivors benefits, so as to provide that certain persons who elected a survivors benefit and whose spouse predeceased him or her shall receive a postretirement benefit adjustment; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

HB 821. By Representatives Yates of the 73rd, Knight of the 126th and Lunsford of the 110th:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide that a superior court judge or district attorney who is an active member of the Georgia Judicial Retirement System may obtain creditable service for certain prior service as a circuit-paid assistant district attorney; to provide for application and payment of the full actuarial value of such service; to provide conditions and limitations; to provide for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

The following committee report was read by the Secretary:

Mr. President:

The Education and Youth Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 543 Do Pass as amended
SB 149 Do Pass by substitute

Respectfully submitted,
Senator Moody of the 56th District, Chairman

The following Minority Report on SB 149 was filed with the Secretary:

Senator Regina Thomas
District 2
313-A Coverdell Office Building
Atlanta, GA 30334

Committees:
State Institutions and Property
Appropriations
Education and Youth
Regulated Industries and Utilities
Reapportionment and Redistricting

The State Senate
Atlanta, Georgia 30334

MEMORANDUM

To: Secretary of the Senate's Office

From: Senator Regina Thomas

Date: January 23, 2006

Subject: Minority Report – Education Committee

SB 149 was not on the original agenda for the Senate Education Committee Meeting on Monday, January 23, 2006, yet it was voted on by the committee with a 'Do Pass'.

The bill was added to the agenda during the committee meeting, without notice to the public.

I asked to be recognized for unreadiness concerning the process and taking a vote on SB 149 and I was ignored by the chair.

Since the public was not aware of this bill being on the agenda, it should not have been up for a vote. The bill could have been up for discussion, but not up for a vote.

This is an unethical practice from this committee and I certainly hope that it does not set precedence or protocol for future action on bills.

Enclosure

The following legislation was read the second time:

SB 382 SB 391 SR 649

Senator Meyer von Bremen of the 12th asked unanimous consent that Senator Thompson of the 33rd be excused. The consent was granted, and Senator Thompson was excused.

Senator Douglas of the 17th asked unanimous consent that Senator Weber of the 40th be excused. The consent was granted, and Senator Weber was excused.

Senator Bulloch of the 11th asked unanimous consent that Senator Tolleson of the 20th be excused. The consent was granted, and Senator Tolleson was excused.

Senator Staton of the 18th asked unanimous consent that Senator Douglas of the 17th be excused. The consent was granted, and Senator Douglas was excused.

The roll was called and the following Senators answered to their names:

Adelman	Hill,Jack	Seay
Balfour	Hill,Judson	Shafer,D
Brown	Hooks	Smith
Bulloch	Hudgens	Starr
Butler	Johnson	Staton
Cagle	Jones	Stephens
Carter	Kemp	Stoner
Chance	Me V Bremen	Tarver
Chapman	Miles	Tate
Goggans	Moody	Thomas,D
Golden	Mullis	Thomas,R
Grant	Pearson	Unterman
Hamrick	Powell	Whitehead
Harbison	Reed	Wiles
Harp	Rogers	Williams
Heath	Schaefer	Zamarripa
Henson	Seabaugh	

Not answering were Senators:

Douglas (Excused)	Fort	Thompson, C
Thompson, S (Excused)	Tolleson (Excused)	Weber (Excused)

Senator Thompson of the 5th was off the floor of the Senate when the roll was called and wished to be recorded as present.

The members pledged allegiance to the flag.

Senator Miles of the 43rd introduced the chaplain of the day, Bishop Jim Swilley of Conyers, Georgia, who offered scripture reading and prayer.

Senator Heath of the 31st introduced the doctor of the day Dr. Mitch Rodriguez.

Senator Harp of the 29th recognized "LaGrange College Day" and representatives from LaGrange College, commended by SR 643, adopted previously.

The President recognized leaders from the Georgia Force Team.

The following resolutions were read and adopted:

SR 691. By Senators Golden of the 8th and Goggans of the 7th:

A RESOLUTION commending the class of Leadership Cook 2005; and for other purposes.

SR 692. By Senator Douglas of the 17th:

A RESOLUTION commending Dr. Wendell Clamp; and for other purposes.

SR 693. By Senator Heath of the 31st:

A RESOLUTION commending the cast and crew of the Bremen High School one-act competition play, "Mark Twain in the Garden of Eden," for being named Georgia Class A State Champions; and for other purposes.

SR 694. By Senators Heath of the 31st, Smith of the 52nd and Rogers of the 21st:

A RESOLUTION recognizing the Cartersville/Bartow Chamber of Commerce and its Governmental Affairs Committee and volunteers on their first annual "Drive to the Capitol"; and for other purposes.

SR 695. By Senators Kemp of the 46th and Hudgens of the 47th:

A RESOLUTION commending the University of Georgia Dance Marathon; and for other purposes.

SR 698. By Senators Mullis of the 53rd, Kemp of the 46th, Thomas of the 54th, Rogers of the 21st, Brown of the 26th and others:

A RESOLUTION commending Georgia's sustainable and environmentally friendly businesses; and for other purposes.

SR 699. By Senators Thomas of the 54th, Goggans of the 7th, Unterman of the 45th, Williams of the 19th, Hill of the 4th and others:

A RESOLUTION commending the Georgia Rural Health Association and recognizing Rural Health Day; and for other purposes.

SR 701. By Senators Grant of the 25th, Whitehead, Sr. of the 24th, Thomas of the 2nd, Miles of the 43rd, Seay of the 34th and others:

A RESOLUTION honoring the life and public service to Georgia of James Ray Crawford, Jr.; and for other purposes.

SR 702. By Senators Shafer of the 48th, Cagle of the 49th and Kemp of the 46th:

A RESOLUTION commending Samuel B. Kellett, Jr.; and for other purposes.

SR 703. By Senator Hudgens of the 47th:

A RESOLUTION commending the Jefferson City Schools System; and for other purposes.

Senator Hudgens of the 47th recognized representatives of the Jefferson City School System, commended by SR 703.

The following bill was taken up to consider House action thereto:

SB 84. By Senators Staton of the 18th, Williams of the 19th, Chapman of the 3rd, Rogers of the 21st, Chance of the 16th and others:

A BILL to be entitled an Act to amend Code Section 21-2-417 of the Official Code of Georgia Annotated, relating to form of proper identification at polls, so as to change the forms of identification that are acceptable at the polls; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes

The House substitute was as follows:

A BILL TO BE ENTITLED
AN ACT

To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, and Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to authorize the State Election Board to conduct certain voter education programs; to change provisions relating to required presentation of identification by voters; to specify the types of identification which may be used; to provide for Georgia voter identification cards to be issued by each county board of registrars to persons who do not have a valid driver's license or identification card issued by the Department of Driver Services; to provide for the contents and appearance of such cards; to provide for applications and supporting documentation; to provide for the supply of equipment and the adoption of rules and regulations by the State Election Board; to change provisions relating to issuance of free identification cards by the Department of Driver Services; to provide for other related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by striking Code Section 21-2-31, relating to the duties of the State Election Board, and inserting in lieu thereof a new Code Section 21-2-31 to read as follows:

"21-2-31.

It shall be the duty of the State Election Board:

- (1) To supervise and coordinate the work of the office of the Secretary of State, superintendents, registrars, deputy registrars, poll officers, and other officials so as to obtain uniformity in their practices and proceedings and legality and purity in all primaries and elections;
- (2) To formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections; and, upon the adoption of each rule and regulation, the board shall promptly file certified copies thereof with the Secretary of State and each superintendent;
- (3) To publish and furnish to primary and election officials, from time to time, a sufficient number of indexed copies of all primary and election laws and pertinent rules and regulations then in force;
- (4) To publish and distribute such explanatory pamphlets regarding the interpretation and application of primary and election laws as in the opinion of the board should be distributed to the electorate;
- (5) To investigate, or authorize the Secretary of State to investigate, when necessary or advisable the administration of primary and election laws and frauds and irregularities in primaries and elections and to report violations of the primary and election laws either to the Attorney General or the appropriate district attorney who shall be responsible for further investigation and prosecution. Nothing in this paragraph shall be so construed as to require any complaining party to request an investigation by the board before such party might proceed to seek any other remedy available to that party under this chapter or any other provision of law;
- (6) To make such recommendations to the General Assembly as it may deem advisable relative to the conduct and administration of primaries and elections;
- (7) To promulgate rules and regulations to define uniform and nondiscriminatory standards concerning what constitutes a vote and what will be counted as a vote for each category of voting system used in this state;
- (8) To employ such assistants as may be necessary; ~~and~~
- (9) Subject to funds being specifically appropriated by the General Assembly, to formulate and conduct a voter education program concerning voting procedures for voting by absentee ballot and at the polls with particular emphasis on the proper types of identification required for voting; and
- (10) To take such other action, consistent with law, as the board may determine to be conducive to the fair, legal, and orderly conduct of primaries and elections."

SECTION 2.

Said title is further amended by striking Code Section 21-2-417, relating to presentation of identification by voters, and inserting in its place new Code Sections 21-2-417 and 21-2-417.1 to read as follows:

"21-2-417.

(a) Except as provided in subsection (c) of this Code section, each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place. Proper identification shall consist of any one of the following:

(1) A Georgia driver's license which was properly issued by the appropriate state agency;

(2) A valid Georgia voter identification card issued under Code Section 21-2-417.1 or other valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector;

(3) A valid United States passport;

(4) A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;

(5) A valid United States military identification card, provided that such identification card contains a photograph of the elector; or

(6) A valid tribal identification card containing a photograph of the elector.

(b) Except as provided in subsection (c) of this Code section, if an elector is unable to produce any of the items of identification listed in subsection (a) of this Code section, he or she shall be allowed to vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in subsection (a) of this Code section within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement.

(c) An elector who registered to vote by mail, but did not comply with subsection (c) of Code Section 21-2-220, and who votes for the first time in this state shall present to the poll workers either one of the forms of identification listed in subsection (a) of this Code section or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of such elector. If such elector does not have any of the forms of identification listed in this subsection, such elector may vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in this subsection

within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement.

21-2-417.1.

(a) Each county board of registrars shall provide at least one place in the county at which it shall accept applications for and issue Georgia voter identification cards which shall under state law be valid only for purposes of voter identification under Code Section 21-2-417. No fee shall be charged or collected for the application for or issuance of a Georgia voter identification card.

(b) No person shall be eligible for a Georgia voter identification card if such person has a valid unexpired driver's license or identification card issued under Code Section 40-5-100.

(c) The Georgia voter identification card shall be captioned 'GEORGIA VOTER IDENTIFICATION CARD' and shall contain a prominent statement that under Georgia law it is valid only as identification for voting purposes. The Georgia voter identification card shall be laminated, shall contain a digital color photograph of the applicant, and shall include the following information:

(1) Full legal name;

(2) Address of residence;

(3) Birth date;

(4) Date identification card was issued;

(5) Sex;

(6) Height;

(7) Weight;

(8) Eye color;

(9) County where the identification card was issued including a county number to be assigned for each county by the Secretary of State; and

(10) Such other information or identification as required by rule of the State Election Board.

(d) The application for a Georgia voter identification card shall elicit the information required under subsection (c) of this Code section and such other information as may be required by rule of the State Election Board. The application shall be signed and sworn to by the applicant and any falsification or fraud in the making of the application shall constitute a felony offense under Code Section 16-10-71, relating to the offense of false swearing.

(e) The board of registrars shall require presentation and verification of the following information before issuing a Georgia voter identification card to a person:

(1) A photo identity document, except that a nonphoto identity document is acceptable if it includes both the person's full legal name and date of birth;

(2) Documentation showing the person's date of birth;

(3) Proof of the person's social security account number; and

(4) Documentation showing the person's name and address of principal residence.

(f) A Georgia voter identification card shall remain valid so long as a person resides at

the same address and remains qualified to vote. It shall be the duty of a person who moves his or her residence within the State of Georgia to surrender his or her card to the board of registrars of the county of his or her new residence; and such person may after such surrender apply for and receive a new card if such person is otherwise eligible under this Code section. It shall be the duty of a person who moves his or her residence outside the State of Georgia or who ceases to be qualified to vote to surrender his or her card to the board of registrars by which it was issued.

(g) The State Election Board shall provide each county board of registrars with the necessary equipment, forms, supplies, and training for the production of the Georgia voter identification cards and shall maintain such equipment.

(h) The State Election Board shall adopt rules and regulations for the administration of this Code section and, without limiting the generality of the foregoing, such rules and regulations may further define or prescribe the types of documentation required under subsection (e) of this Code section."

SECTION 3.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in Code Section 40-5-103, relating to fees for personal identification cards for persons without driver's licenses, by striking subsection (d) and inserting in its place a new subsection to read as follows:

"(d) The department shall not be authorized to collect a fee for an identification card from any person:

(1) Who swears under oath that he or she is ~~indigent and cannot pay the fee for an identification card, that he or she~~ desires an identification card in order to vote in a primary or election in Georgia; and that he or she does not have any other form of identification that is acceptable under Code Section 21-2-417 for identification at the polls in order to vote; and

(2) Who produces evidence that he or she is registered to vote in Georgia.

This subsection shall not apply to a person who has been issued a driver's license in this state."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

Senator Johnson of the 1st moved that the Senate agree to the House substitute to SB 84 as amended by the Senate.

Senator Eric Johnson, President Pro Tempore, assumed the Chair.

The President resumed the Chair.

Senator Williams of the 19th moved that the Senate stand in recess until 1:30 p.m.

There were no objections, and at 12:30 p.m. the President announced that the Senate would stand in recess until 1:30 p.m.

At 1:30 p.m. the President called the Senate to order.

Senator Stoner of the 6th asked unanimous consent that Senator Starr of the 44th be excused. The consent was granted, and Senator Starr was excused.

Senator Hudgens of the 47th asked unanimous consent that Senator Unterman of the 45th be excused. The consent was granted, and Senator Unterman was excused.

Senators Staton of the 18th, Stephens of the 27th and Wiles of the 37th offered the following amendment:

Amend the House substitute to SB 84 by striking "persons" on line 6 on page 1 and inserting in lieu thereof "registered electors"; by inserting after "Services" on line 11 on page 1 "to registered electors"; by inserting after "cards" on line 3 on page 4 "to registered Georgia electors"; by inserting after "21-2-417" on line 5 on page 4 "and available only to registered electors of this state"; and by striking line 1 on page 5 and inserting in lieu thereof the following:

(3) Evidence that the person is registered to vote in this state; and

Senators Jones of the 10th, Seay of the 34th, Adelman of the 42nd and Reed of the 35th offered the following amendment #1:

Amend the Senate amendment (AM 18 1276) to the House substitute to SB 84 by inserting after line 8 on page 1 the following:

Amend the House substitute to SB 84 by inserting after "such equipment." on line 13 on page 5 the following:

The state shall provide such equipment, forms, supplies, and training at no cost to the counties. In addition, the state shall provide all maintenance and upkeep of such equipment at no cost to the counties.

Senators Jones of the 10th, Seay of the 34th, Zamarripa of the 36th, Adelman of the 42nd and Reed of the 35th offered the following amendment #2:

Amend the Senate amendment (AM 18 1276) to the House substitute to SB 84 by inserting after line 8 on page 1 the following:

Amend the House substitute to SB 84 by inserting after "such equipment." on line 13 on page 5 the following:

Until January 1, 2015, the state shall provide replacement equipment and upkeep on all equipment supplied to the counties under this Code section at no charge to the counties.

Senator Reed of the 35th offered the following amendment #3 to amendment AM 18 1276:

By inserting immediately following line 8 of page 1 of said amendment the following:

By inserting immediately following line 17 on page 5 of the House Substitute to SB 84 the following new subparagraph:

“(i) Each county board of registrars shall inform each registered elector under its jurisdiction by letter of the identification documents necessary to apply for a Georgia voter identification card and to cast his or her vote under Code Section 21-2-417 by letter sent via first class mail through the United States Postal Service.”

Senator Reed of the 35th offered the following amendment #4 to amendment AM 18 1276:

By inserting immediately following line 8 of page 1 of said amendment the following:

By striking lines 34 and 35 of page 5 of the House Substitute to Senate Bill 84 and inserting in lieu thereof the following:

“This Act shall become effective on July 1, 2008.”

Senator Reed of the 35th offered the following amendment #5 to amendment AM 18 1276:

By inserting immediately following line 8 of page 1 of said amendment the following:

By striking lines 34 and 35 of page 5 of the House Substitute to SB 84 and inserting in lieu thereof the following:

“This Act shall become effective on July 1, 2010.”

Senator Reed of the 35th offered the following amendment #6 to amendment AM 18 1276:

By inserting immediately following line 8 of said amendment the following:

By inserting immediately following “21-2-419” on line 23 of page 3 of the House Substitute to SB 84:

“or by comparing the signature or mark, or facsimile or electronic reproduction of the elector’s signature or mark, on the provisional ballot with the elector’s signature or mark on his or her application for registration to vote which is on file with the board of registrars. If the information and signature or mark provided on the provisional ballot appear to be valid, the registrar or clerk shall so certify the ballot by signing or initialing his or her name. If the information, signature or mark do not appear to be valid, the registrar or clerk shall write Rejected and giving the reason therefore. The board of registrars or ballots clerk shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars for at least one year.”

Senator Williams of the 19th requested a ruling of the Chair as to the germaneness of amendments #1-6.

The President ruled the amendments germane.

Senator Williams of the 19th appealed the ruling of the Chair.

Pursuant to Senate Rule 8-1.11(a), President Pro Tempore Johnson of the 1st, acting Parliamentarian, ruled amendments #1-6 germane but out of order.

Senator Thompson of the 33rd objected to the ruling of the Senate Parliamentarian and moved to appeal.

On the motion to appeal the ruling of the Parliamentarian, the question was, "Shall the ruling of the Senate Parliamentarian be sustained?" A roll call was taken, and the vote was as follows:

N Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
N Brown	N Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
N Butler	Y Johnson	N Stoner
Y Cagle	N Jones	N Tarver
Y Carter	Y Kemp	N Tate
Y Chance	N Me V Bremen	Y Thomas,D
Y Chapman	N Miles	N Thomas,R
Y Douglas	Y Moody	N Thompson,C
N Fort	Y Mullis	N Thompson,S
Y Goggans	Y Pearson	Y Tolleson
N Golden	N Powell	E Unterman
Y Grant	N Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead

N Harbison
Y Harp
Y Heath
N Henson

Y Schaefer
Y Seabaugh
N Seay
Y Shafer,D

Y Wiles
Y Williams
N Zamarripa

On the motion, the yeas were 33, nays 21, the motion prevailed; and the ruling of the President Pro Tempore was sustained and amendments #1-6 were ruled out of order.

Senator Zamarripa of the 36th offered the following amendment #7:

Amend the Senate amendment to the House substitute to SB 84 by inserting after "electors" on line 4 on page 1 "; to require the Department of Driver Services to establish a program utilizing mobile identification card issuance units with which nursing homes and high rise apartment and assisted living facilities can schedule on site opportunities for residents of such facilities to obtain identification cards" and by inserting after line 8 on page 1 the following:

By redesignating Sections 4 and 5 as Sections 5 and 6, respectively, and inserting after line 32 on page 5 the following:

SECTION 4.

Said title is further amended by adding a new Code Section 40-5-106 to read as follows:

"40-5-106.

The department shall establish a program utilizing mobile identification card issuance units which nursing homes and high rise apartment and assisted living facilities may request to come to such nursing homes and high rise apartment and assisted living facilities upon reasonable notice and at reasonable times to provide the residents thereof the opportunity to obtain identification cards pursuant to this article."

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

Y Adelman
N Balfour
Y Brown
N Bulloch
Y Butler
N Cagle
N Carter
N Chance
N Chapman
N Douglas
Y Fort
N Goggans

N Hill,Jack
N Hill,Judson
Y Hooks
N Hudgens
N Johnson
Y Jones
N Kemp
Y Me V Bremen
Y Miles
N Moody
N Mullis
N Pearson

Y Smith
E Starr
N Staton
N Stephens
Y Stoner
Y Tarver
Y Tate
N Thomas,D
Y Thomas,R
Y Thompson,C
Y Thompson,S
N Tolleson

Y Golden	Y Powell	E Unterman
N Grant	Y Reed	N Weber
N Hamrick	N Rogers	N Whitehead
Y Harbison	N Schaefer	N Wiles
N Harp	N Seabaugh	N Williams
N Heath	Y Seay	Y Zamarripa
Y Henson	N Shafer,D	

On the adoption of the amendment, the yeas were 22, nays 32, and the Zamarripa amendment #7 was lost.

Senator Zamarripa of the 36th offered the following amendment #8:

Amend the Senate amendment to the House substitute to SB 84 by inserting after "electors" on line 4 on page 1 "; to require the Department of Driver Services to establish a program utilizing mobile identification card issuance units with which nursing homes and high rise apartment and assisted living facilities can schedule on site opportunities for residents of such facilities to obtain identification cards" and by inserting after line 8 on page 1 the following:

By redesignating Sections 4 and 5 as Sections 5 and 6, respectively, and inserting after line 32 on page 5 the following:

SECTION 4.

Said title is further amended by adding a new Code Section 40-5-106 to read as follows:

"40-5-106.

(a) The department shall establish a program utilizing mobile identification card issuance units which nursing homes and high rise apartment and assisted living facilities may request to come to such nursing homes and high rise apartment and assisted living facilities upon reasonable notice and at reasonable times to provide the residents thereof the opportunity to obtain identification cards pursuant to this article.

(b) The program shall include the provision of a toll-free number that citizens of this state may call to schedule a visit by a mobile identification card issuance unit to a nursing home or high rise apartment or assisted living facility.

(c) The mobile units shall be in good repair and shall have regularly scheduled maintenance performed on them. Should a mobile unit break down or be rendered unusable, such mobile unit shall be replaced in a timely manner. The department shall promulgate rules and regulations to ensure that the mobile units are well maintained and shall also place age and mileage limitations on such units to ensure reliability.

(d) The mobile units shall be capable of producing identification cards for persons with physical disabilities on site.

(e) The number of mobile units provided shall be related to the demand in the communities for such services."

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

Y Adelman	N Hill,Jack	Y Smith
N Balfour	N Hill,Judson	E Starr
Y Brown	Y Hooks	N Staton
N Bulloch	N Hudgens	N Stephens
Y Butler	N Johnson	Y Stoner
N Cagle	Y Jones	Y Tarver
N Carter	N Kemp	Y Tate
N Chance	Y Me V Bremen	N Thomas,D
N Chapman	Y Miles	Y Thomas,R
N Douglas	N Moody	Y Thompson,C
Y Fort	N Mullis	Y Thompson,S
N Goggans	N Pearson	N Tolleson
Y Golden	Y Powell	E Unterman
N Grant	Reed	N Weber
N Hamrick	N Rogers	N Whitehead
Y Harbison	N Schaefer	N Wiles
N Harp	N Seabaugh	N Williams
N Heath	Y Seay	Y Zamarripa
Y Henson	N Shafer,D	

On the adoption of the amendment, the yeas were 21, nays 32, and the Zamarripa amendment #8 was lost.

Senator Thompson of the 33rd requested a ruling of the chair as to whether SB 84 was in need of a fiscal note pursuant to Senate Rule 3-1.4.

The President ruled SB 84 had a significant fiscal impact and was in need of a fiscal note and was therefore out of order.

Senator Williams of the 19th objected and appealed the ruling of the President.

Pursuant to Senate Rule 8-1.11(a), President Pro Tempore Johnson of the 1st, acting Parliamentarian, ruled that a fiscal note was not necessary.

Senator Adelman of the 42nd objected to the ruling of the Senate Parliamentarian and moved to appeal.

On the motion to appeal the ruling of the Senate Parliamentarian, the question was, "Shall the ruling of the Parliamentarian be sustained?" A roll call was taken, and the vote was as follows:

N Adelman	N Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
N Brown	N Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
N Butler	Y Johnson	N Stoner
Y Cagle	N Jones	N Tarver
Y Carter	Y Kemp	N Tate
Y Chance	N Me V Bremen	Y Thomas,D
Y Chapman	N Miles	N Thomas,R
Y Douglas	Y Moody	N Thompson,C
N Fort	Y Mullis	N Thompson,S
Y Goggans	Y Pearson	Y Tolleson
N Golden	N Powell	E Unterman
Y Grant	N Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
N Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	N Seay	N Zamarripa
N Henson	Y Shafer,D	

On the motion, the yeas were 32, nays 22, the motion prevailed; and the ruling of the President Pro Tempore was sustained.

The following communication was received by the Secretary:

Senator Jack Hill
District 4
234 State Capitol
Atlanta, GA 30334

Committees:

Appropriations
Education and Youth
Ethics
Natural Resources and the Environment
Regulated Industries and Utilities
Rules

The State Senate
Atlanta, Georgia 30334

1/24/06

Mr. Secretary,

I request that I be shown as voting to sustain the ruling of the Parliamentarian as to the need for a fiscal note on SB 84.

/s/ Jack Hill

Senator Williams of the 19th moved the previous question.

Senator Thompson of the 33rd objected.

On the motion, a roll call was taken, and the vote was as follows:

N Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
N Brown	N Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
N Butler	Y Johnson	N Stoner
Y Cagle	N Jones	N Tarver
Y Carter	Y Kemp	N Tate
Y Chance	N Me V Bremen	Y Thomas,D
Y Chapman	N Miles	N Thomas,R
Y Douglas	Y Moody	N Thompson,C
N Fort	Y Mullis	N Thompson,S
Y Goggans	Y Pearson	Y Tolleson
N Golden	N Powell	E Unterman
Y Grant	N Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
N Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	N Seay	N Zamarripa
N Henson	Y Shafer,D	

On the motion, the yeas were 33, nays 21, the motion prevailed; and the previous question was ordered.

On the motion to agree to the House substitute to SB 84 as amended by the Senate, a roll call was taken, and the vote was as follows:

N Adelman	N Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
N Brown	N Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
N Butler	Y Johnson	N Stoner
Y Cagle	N Jones	N Tarver
Y Carter	Y Kemp	N Tate
Y Chance	N Me V Bremen	Y Thomas,D
Y Chapman	N Miles	N Thomas,R
Y Douglas	Y Moody	N Thompson,C
N Fort	Y Mullis	N Thompson,S

Y Goggans	Y Pearson	Y Tolleson
N Golden	N Powell	E Unterman
Y Grant	N Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
N Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	N Seay	N Zamarripa
N Henson	Y Shafer,D	

On the motion, the yeas were 32, nays 22; the motion prevailed, and the Senate agreed to the House substitute to SB 84 as amended by the Senate (AM 18 1276).

Senator Williams of the 19th moved that the Senate adjourn until 10:00 a.m. Wednesday, January 25, 2006.

The motion prevailed, and the President announced the Senate adjourned at 5:04 p.m.